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# Manipulating Consumers is not Marketing: a Commentary on Cass R. Sunstein's "Fifty Shades of Manipulation"

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Keywords: Manipulation; Social Influence; Marketing.

**Manipulating consumers is not marketing:**
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**Abstract**
Sunstein's essay is particularly welcome because marketing as a science and as a field of management practice is facing an increased level of criticism at the same time as the general population becomes aware of the role it plays in business, beyond the traditional sales and distribution functions. We feel it is critical for the field of marketing to clarify its position with regard to some practices. However, Sunstein argues that manipulation is rather generalized in society (and in particular in marketing), although with many "shades." Instead, we take the position that it is imperative to define more clearly the concept of manipulation so that it cannot be confounded with the more neutral concept of social influence. Therefore, we propose to use a different definition that eliminates a number of shades of manipulation. We also propose to amend somewhat the definition of the marketing concept and of marketing management to prevent practices that society would not consider appropriate.

In "Fifty Shades of Manipulation", Cass Sunstein points out that advertising is an area of marketing that has often been the accused of manipulation. In fact, however, almost all areas of marketing are subject to accusations of manipulation, and the broader concept of marketing itself is often attacked on the basis that its overall intent is to manipulate customers. Indeed, given the definition of manipulation proposed by Sunstein, the concept of marketing in general could legitimately be considered

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manipulation. While we agree that the concept of marketing is sometimes used as a synonym for manipulation by marketing neophytes, we argue that a careful scientific definition of each concept -- manipulation and marketing -- is needed in order to clarify what is and what is not meant by “manipulation” in the context of marketing, particularly in how marketing is actually practiced. This is what we aim to accomplish in this commentary, eliminating in the process at least some nuances of “shade.” We therefore propose to use a somewhat different definition of manipulation, one that has been adopted in certain areas of the psychological literature (recognizing that even in this field no single definition has yet emerged). We argue that the definition we propose to use is more precise and distinguishes manipulation from other related concepts. By removing ambiguity, this definition eliminates many of the shades discussed by Sunstein. We also propose to revise the definition of marketing as a science and of managerial marketing practices in order to help remove some of the misperceptions concerning the broader concept of marketing.

## MANIPULATION AND MARKETING

There is a widespread perception, starting with marketing students, that marketing manipulates consumers. Increasingly, worldwide, the word “marketing” is being used pejoratively by people in general. This perception is perhaps even more common in cultures that are more skeptical and where business is often perceived with suspicion (e.g., France), and where “marketing” as a verb has no meaning. For example, in one of Michael Crichton’s novels, a character declares cynically, “Today everything is marketing” (2007, p.56). This perception among consumers that marketing means manipulation pervades most areas of the field. Consumers may even develop a resistance to marketing efforts because they are afraid of being manipulated (Roux 2007, Banikema and Roux 2014). This resistance originates with the perception that the objective of marketing is to create demand for goods and services that consumers do not really need and that may not serve the best interests of society. Another perception is that advertising can trigger irrational responses, i.e., responses that are not characterized by the maximization of utility. The hard-sell tactics of direct sales, and especially of telemarketing, have also been harshly criticized. In addition, the retailing industry is often accused of manipulating customers, for example through the use of loyalty programs. The concentration of powerful chain stores that exert a very high pressure on producers (especially farmers with their food products) makes it easy for consumers to blame these chain stores for a lack of variety and choice among products and services. Consumers are also irritated by the pricing practice of permanent discounting. Although we do not intend to be exhaustive, we now review each of these concerns in order to help us (1) determine how pervasive the perceptions of manipulation are among consumers and (2) assess the extent to which real elements of manipulation exist that affect actual marketing practices.

**Needs and new products**

One important role of marketing is to detect trends in consumer behavior in order to identify needs that may still be at a latent stage. Although this is a difficult task with much uncertainty regarding the outcome, it is at the center of the marketing concept. Even if this task is coupled with the objective of customer satisfaction as a requirement for ultimate firm profitability and survival, the "discovery" of latent needs is often perceived as the creation of needs that are then imposed on consumers. While marketing is agnostic about the moral "value" of these needs, individuals do make judgments about how good or bad the products and services corresponding to such needs may be. Fast food outlets provide a reasonable meal at a low price that meet the needs of their fast food customers. Nevertheless, the perception that fast food contributes to obesity in society has given fast food chains a negative image and their communication programs are sometimes perceived as encouraging eating behaviors that go against the best interest of individuals. Consequently, fast food has become associated with "bad" food. More generally, innovations are sometimes perceived by individuals as taking societies in directions of technological "progress" that work against the well-being of populations. In many cases, individuals can feel short-term motivations that can be in conflict with their long-term needs. Junk food, cigarettes, and addictive products in general can be good examples of such conflicts. Marketers have become the target of such individuals that blame them of foisting these products on consumers. A final complaint that is more ideological is that such manipulation of what people really want contributes to a society of consumption where consumption is an objective in and by itself.

**Advertising**

Within the marketing mix, advertising is the element that is typically perceived as being manipulative. The degree to which economically advanced societies are saturated with advertising – especially but not exclusively through television ads and popup banners on the Internet – has made consumers acutely aware of the extent to which they are exposed to commercial messages. We can identify three major aspects of advertising that contribute to the perception of manipulation: (1) selective information, (2) exaggeration of claim (if not false claim), and (3) use of emotions in the advertisements.

*Selection of information*. Advertising puts a product or service in the best light and promotes those aspects of the product or service that are the most favorable or vivid. It is indeed rare that an advertising strategy acknowledges the negative as well as the positive aspects of a product or service so that the consumer can evaluate the pros and cons of the product or service. This selectivity of arguments that ignores (hides) the negative (or less positive) attributes can be perceived as a manipulation of the decision process where only the positive attributes are made salient.

*Exaggeration of claims*. Because the communication process is a noisy one, it is often necessary to exaggerate claims so that consumers targeted by the message perceive the claim at the accurate level. Therefore, some exaggeration or puffery is typical in advertising. Customers may be fully aware of this strategy and thus discount the information accordingly. Nevertheless, the fact that the message was exaggerated leads to a perception of manipulation.

*Appealing to emotions*. The use of emotions is perhaps even more criticized because it is judged to be deviant, i.e., as not providing information that the consumers can or should use. Instead, it is viewed as a tactic to get customers to buy a product or service without evaluating the actual utility it may provide. This "soft sell" approach is often the most effective in a crowded commercial environment, in part because it more effectively communicates higher-level human needs such as those in Maslow's hierarchy. While information advertising may be considered appropriate because it informs individuals of rational elements that they can take into account in their decision-making process, the use of emotions is viewed as manipulating non-rational elements that are not under the control of the decision-maker.

**Sales tactics**

While the salesforce in business-to-business provides services to customers, including identifying the exact specifications of products, the interface with customers in the business-to-consumer sectors is often limited to the finalization of a sale. This is even more the case today where many consumers do comparison-shopping on the Internet, after which they may visually inspect the actual product in a retail setting, and finally work with a salesperson only to close the sale. Increasingly, therefore, little service is expected from salespeople in consumer markets. This does not mean that consumers do not expect information from salespeople but this information is more limited than before. Given the increased perceived knowledge of consumers, salespeople's recommendations can be perceived as "hard sell" where the salesperson is attempting to manipulate consumers to change their minds about their preferred choices. This is indeed perceived as a new form of "bait and switch."

Another example of a sales tactic that annoys consumers is the extent to which telemarketers use a ploy (e.g., general opinion survey, satisfaction survey, or gift) to get the person contacted to commit to purchasing a product or subscribing to a service. These are short-term sales tactics that clearly involve deception.

The recent (r)evolution of the Internet has also led to the introduction of viral marketing practices. In order to influence the social network involved in communities or discussions on the Web, some companies may have been tempted to generate positive evaluations of their products on social networks by posting comments and product evaluations under the guise of customers. It is important to note that such practices not only involve deception but are also illegal in some countries (Pétréault 2011).

**Retailing**

As noted in the introduction, retailing has drawn the attention of consumers because of the retailing industry's increasingly aggressive approach. Most of the attention, however, has been focused on grocery chains that sell directly to consumers. We can identify three major practices that consumers suspect of being manipulative: merchandizing, atmospherics and loyalty programs.

*Merchandizing*. The layout of aisles and shelves in a store as well as the organization of the display of products on the shelves are designed to draw the customer's attention to the products. The rationale for these designs has little to do with making it easier for the average consumer. High-margin products are made more accessible and are shown next to other related products to encourage additional unplanned purchases. Such practices can be perceived as attempts to change the choices that consumers have already made. Another example that supermarket consumers consider to be manipulative is when a store changes the location of a product in order to change the customer's routine purchasing patterns. By forcing the buyer to search the shelves, the store discourages routine purchases and increases the chances of new sales and new purchasing patterns. Because routine purchases are generally deliberate choices made before entering the store, a change in the store design that makes it more difficult to follow this routine can be perceived as a deliberate effort to manipulate customers.

*Atmospherics*. The music ambiance, as well as the aromas within the store environment can be seen as manipulations to create emotions and moods that influence the purchasing process of consumers.

*Loyalty programs*. The reward programs that are common in most stores are often viewed not as a legitimate reward for loyalty, but as an indirect way for companies to obtain information about the purchasing patterns of their customers, which is then used to manipulate their utility with coupons for some products that they may not have bought otherwise (even after correcting for the rational utility gained from such coupons). Loyalty programs are also sometimes viewed by consumers as a way to reduce competition from other chains, the end result of which can be to prevent consumers from making rational purchasing decisions based on best price.

**Pricing**

Two practices about pricing can be seen as manipulative: discounts and price discrimination.

*Discounts*. Although many customers chose to wait until sales events to purchase items, discounts are pervasive in all different types of retailing outlets throughout the year. Many brick-and-mortar outlets as well as Internet sites offer on-going discounts. This practice makes it hard for consumers to assess the "right" or "real" price (e.g., a reference price) for a product. It creates uncertainty about the "real" price and customers worry that they could have gotten the product cheaper elsewhere cheaper. Therefore these discounts are seen not only as distorting the price but as a means to trick consumers into thinking that they have gotten a bargain. Discounts are also often associated with bundling or two-part tariffs.

*Price discrimination*. Another form of price discrimination is where the same product can be priced differently for different customers. A typical example is airline seats where almost no customer pays the same price for a seat in the same section of the plane. Even though there may be an economic rationale for such legal price discrimination, consumers resent having paid more than their neighbor for the same item.

These pricing practices are often perceived negatively by consumers because they have the feeling that the company marketing a product/service intentionally does not provide or does not enable them to obtain all the relevant information that could help them make the best decision. Examples of such information include being able to determine the real production cost or the price that was charged before a sale.

More generally, all these marketing practices could be perceived as manipulative techniques if we accept Cass Sunstein's definition. But we argue that a more precise definition of manipulation is needed.

## WHAT DEFINITION OF MANIPULATION?

Manipulation is an effort to alter people's behavior, but according to Sunstein, it is distinct from persuasion where facts and reasons are "presented in a sufficiently fair and neutral way." The definition of manipulation chosen by Sunstein in his article, although he recognizes its limitations, considers that manipulation is when "it does not sufficiently engage or appeal to people's capacity for reflective and deliberative choice" (p.8). This deliberative choice implies a high level of cognitive processing with assessing, weighing, judging, and rational deliberation. However, the idea of a cognitive and purely rational decision-making process is an exception, if not a myth. Emotions play a key role in perception and decision (Reddy, Holak and Bhat 1994, Keller and Lehmann 2006, Derbaix and Filser 2011, MacInnis 2011, Patrick and Hagtvedt 2011). Any social influence could then be considered as manipulation. Moreover, when consumers undertake to purchase a product or service, they generally are also looking for a rewarding experience that triggers positive feelings. (Holbrook and Hirschmann 1982).

In this commentary, we focus on the marketer as the assumed manipulator and the objective of marketing as having the customer choose the company's product to buy. Sunstein defines manipulation as being when the marketer does not "sufficiently engage or appeal to the customer's capacity for reflective and deliberative choice." This implies that marketers should always ensure that customers go through the process of at least some level of conscious cognitive decision making.

Moreover, simply proposing a particular decision-making process would be considered manipulative if the mental process that a customer follows is different from the one that he/she would have followed without the influence of the marketer. Furthermore, such a strategy would be considered manipulative even if the consumer manages to resist it and maintain control over his/her cognitive process in making a particular decision.

Consequently, the only way for marketers to avoid being perceived as manipulative would be for them to provide purely neutral information. Thus, if we were to adopt Sunstein's definition, all marketing activities would be considered manipulative.

Lancer (2014) proposes that, for manipulation to occur, the influence should be characterized by additional conditions. Manipulation occurs when the influence is exerted in an indirect (covert) way, a deceptive manner or using abusive tactics. It is similar to the definition by Braiker (2004): "Psychological manipulation is a type of social influence that aims to change the perception or behavior of others through underhanded, deceptive, or abusive tactics."

*Covert/ indirect.* The example of subliminal advertising discussed by Sunstein is clearly an example of underhanded influence and would definitively be manipulation. The evidence of the practice of subliminal advertising is anecdotal at best, and the scientific validity of its effects is still questionable (Verwijmeren et al. 2011). All other marketing practices, including those presented earlier as being suspect of manipulation, are conducted overtly. A definition of "covertly" that would require that the customers be cognitively aware of the intentions of the marketer appears to us restrictive, especially given that, as Sunstein points out, customers are aware that the objective of marketers is to sell products.

*Deception.* As in Sunstein's definition, lies and deceptions are indeed distinct concepts that are not necessarily manipulations. However, a definition such as Braiker's rejects the notion that there can be manipulation without deception or abusive tactics. Lies and deceptions are unethical (if not illegal) but are also inconsistent with the definition of the marketing concept since they go directly against the objective of customer long-term satisfaction. Therefore, we argue that social influence that is not exerted covertly and that does not use deceptive or abusive tactics is not manipulation.

*Abusive tactics*. The question of what can be considered as abusive tactics remains a critical one that at first sight may not appear to have clear-cut answers. However, the Oxford dictionary considers "abusive" as an extremely strong qualifier. Something abusive can be "extremely offensive and insulting," characterized by "habitual violence and cruelty," or involving "injustice or illegality." It would be difficult to argue that any of the marketing practices described earlier come even close to meeting that definition.

In conclusion, when considering Lancer's and Braiker's definitions of manipulation described above, marketing practices in general cannot be considered manipulative apart from the examples given of deceptive practices such as certain telemarketing ploys and the posting of Internet comments from fake consumers.

## MANIPULATION AND MARKETING SCIENCE

The discussion so far has argued that, when using a precise definition of manipulation that clearly differentiates it from related concepts, marketing and most of its practices should not be labeled as manipulative. However, the fact that the perception is so pervasive should serve as a call to action for the marketing profession, both academics and practitioners, to be proactive in changing these perceptions (using social influence without manipulation). The first place to start is with the definition of the marketing concept, since this is the fundamental concept to which marketing students are first exposed.

### What does the definition of marketing says about manipulation defined in this way?

Marketing professionals and academics pay close attention to the definition of marketing provided by the American Marketing Association. This definition of marketing by the AMA has certainly evolved since 1935: "the performance of business activities that direct the flow of goods and services from producers to consumers." A major evolution consisted in distinguishing between the function of marketing and the marketing concept. Indeed, conceptualizing marketing as an exchange (Bagozzi 1975) led to the 1985 definition as "the process of planning and executing the conception, pricing, promotion, and distribution of ideas, goods and services to create exchanges that satisfy individual and organizational objectives." The notion of customer satisfaction was introduced at that time as well. This objective of customer satisfaction was more recently translated into the notion of "value for customer" in the AMA's 2013 definition of marketing as "the activity, set of institutions, and processes for creating, communicating, delivering, and exchanging offerings that have value for customers, clients, partners, and society at large." (AMA, July 2013)

With the early definition focused on company performance and a one-way flow from manufacturers to the market, it is clear that the broad definition of manipulation used by Sunstein is consistent with the notion that marketing involves shades –or degrees- of manipulation (e.g, communicating without informing). Although the notion of "free market" is not part of the definition, it is implicit and as such it may invite a degree of manipulation because, as Sunstein points out, it is difficult to impose regulations in a free society, even if [the existence of] competition can help limit excesses. On the other hand, the idea of "exchange" implies that both consumers and companies are aware and proactive, and it is not compatible with the notion of a marketer pulling strings to manipulate a puppet-consumer.

**What new evolution could contribute to the decrease in perceptions of many shades of manipulation?**

The evolution of the definitions of the marketing concept shows that marketers have taken into account the different issues brought up by Sunstein. In particular, the questions of consent and welfare are now explicitly considered.

The question of consent is addressed by the notion of an exchange, which by definition implies no coercion. Instead, exchange implies agreement, in direct contrast with the earlier notion of "direct flow" which does not acknowledge the autonomy of consumers. Nevertheless, in some contexts, the notion of consumer consent is still not as clear as it could be when the exchange is not truly voluntary, for example as in bundling, two-part tariffs, or switching costs (e.g., in the telecommunications industry). One reason this notion of consent remains unclear may be the lack of focus on the long term, which leads to impressions of "hard sell" in favor of the manufacturer or service provider.

We would therefore recommend a definition that emphasizes the long-term aspect of the exchange. A long-term orientation in the exchange implies a desire of *sustainability*. Such a notion of sustainability has the advantage not only of implying the long term but also of evoking a sense of concern for social as well as environmental issues.

The question of welfare has been addressed by the move from a focus on the marketing of goods and services to the objective of customer satisfaction (a positive feeling derived from a successful consumer experience) and value creation. The evolution from customer satisfaction to customer value recognizes the idiosyncratic nature of the exchange: each consumer can derive a different value from the same product or service. However, underlying the examples of marketing practices cited earlier is the sense of imbalance in favor of the marketer in the exchange of value. An additional concept that is indispensable if we are to alleviate the biases in perceptions about manipulation is the sense of equity of the exchange for both marketer and consumer.

One issue that remains concerns transparency. The identity of the manufacturer and of the communicator is not always clear. For example, do consumers know who manufactures and supplies the retailer's private brand? As another example, are consumers aware of which brands are owned by which conglomerate? As noted earlier in the example of fake postings on the Internet, consumers should know who is sending the message and under what conditions, i.e., whether the person posting the comment has used the product or service, receives a reward or any type of compensation. However, we are willing to argue that these conditions are implicit when we add the two new concepts of sustainability and equity in the revised definition of marketing we are proposing.

In order to minimize problems that may arise from the perceptions of marketing's contribution to consumer manipulation, we propose to rely on the definition of the marketing concept that recently emerged from a discussion within the French Marketing Association:

The **marketing concept** is a view of exchanges realized through practices intended to create **sustained** value **equitably** for a set of involved parties (individuals, firms or organizations)
*(Based on a definition elaborated by executive committee of AFM, 2015)*

Sustainability brings the idea that marketers should consider both the short-term motivations for product and services and the long-term interest of consumers, even if they may conflict with each other.
Equity refers to the fact that marketers should not convey information covertly, and should not withhold information consumers need or could use to make their decisions. For instance, the total cost of a consumption loan should be a piece of information given upfront to the consumer.

## MANIPULATIONS AND THE PRACTICE OF MARKETING

Following our suggestion for a new definition of the marketing concept, we propose the corresponding changes in the practice of marketing management, i.e., "the development of equitable exchange relationships and the consideration of the long-term consequences for the parties involved in the exchange as well as for society in general".
Therefore, the definition we suggest for the practice of marketing management is:

**Marketing management** is the set of coordinated practices implemented by organizations to reach their objectives. Such practices include:

• The study of the different parties involved, their desires and aspirations,

• The creation and offering of products, services and experiences,

• The actions leading to the diffusion of these offerings (whether in profit or not-for profit environments).

This implies:

• Developing **equitable relationship**s with the various partners, within the boundaries of regulations.

• Considering the long-term **consequences** of such practices on the set of involved parties and more broadly **on society more broadly**.

*(Based on a Definition elaborated by executive committee of AFM, 2015)*

## CONCLUSION

Sunstein brings an important discussion to the marketing literature. The perception of manipulation in one form or another pervades society and, as marketing has become pervasive in economically advanced societies, it is vital to correct the population's perception of marketing and to confirm it as a legitimate concept. Nevertheless, we find that the definition of manipulation on which Sunstein bases his analysis does not fit the criterion of discriminant validity when compared to related concepts. Instead, we propose to use another definition of manipulation, one that is used in the psychology literature (Lancer, 2014, Braiker, 2004) and that appears more appropriate in order to differentiate this notion from other, similar concepts. Using that definition, we identify some marketing practices that are deceptive (and manipulative) but that are not consistent with the definition of the marketing concept and that we can therefore reject as "marketing" practices (they are simply bad practices). Of course we cannot exclude the possibility that some marketers will use or try to use manipulative techniques, but again we argue that such practices cannot be considered legitimate within the marketing concept.

Because we know these manipulative practices (using the narrower definition of manipulation that we suggest) can still exist, there is clearly an important role for regulators to do, as pointed out by Sunstein. Regulation should work to limit abusive and deceptive techniques, and to ensure that important information for consumers is not covert. In addition, marketing practitioners should condemn those practices that are detrimental to the image of their profession.

Therefore, to reinforce the marketing concept and the legitimate nature of marketing, we offer our revised definition of marketing We hope this definition can help to counter the assumption that the concept of marketing and marketing management practices are manipulative.

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